

### REMARKS

The Examiner has rejected Claims 1, 3 and 5 under 35 U.S.C. 102(e) as being anticipated by Furuta et al. (U.S. Patent Application No. 2002/0185466). Applicant has canceled Claims 1, 3 and 5 without prejudice or disclaimer.

The Examiner has rejected Claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over Tanabe et al. (U.S. Patent Application No. 2003/0066817) in view of Tsou (U.S. Patent No. 5,286,337). Applicant respectfully traverses Examiner's rejection and requests reconsideration for the following reasons.

Applicant has amended independent Claim 8 to more clearly define the invention. Specifically, Claim 8 has been amended to state the step of forming a nitrogen containing layer on the semiconductor substrate. The nitrogen containing layer protects the sidewalls and inhibits undercutting during the etching step of the Indium containing multi-layer structure using Hydrogen Bromide thereby providing a notch-free structure (see original specification at page 7, lines 10-13).

Whereas, as the Examiner states, Tanabe et al. teach the use of an inert gas in conjunction with Hydrogen Bromide. More specifically, the inert gas disclosed in Tanabe et al. is "argon" (see paragraph 4 of Tanabe).

Then, the Examiner uses Tsou to show that an inert gas can be selected from the group consisting of argon, helium and nitrogen. It is irrelevant that Tsou teaches nitrogen as a possible inert gas since in Applicant's invention, the nitrogen containing gas is used as a reactive gas to form a nitrogen containing layer to passivate the sidewalls and inhibit undercutting during the etching step of the Indium containing multi-layer structure.

Therefore, Tanabe et al. and Tsou actually teach away from the current invention since they are both directed to an "inert" gas, not a reactive gas. Whereas, Applicant's invention uses a nitrogen containing gas in a plasma as a reactive gas to form a protective layer on the sidewalls of the Indium containing multi-layer structure to inhibit undercutting during the etching step.

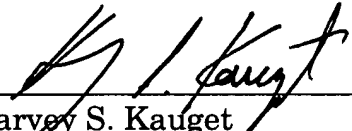
Since Tanabe et al. and Tsou do not teach or suggest the step of forming a nitrogen containing layer on the semiconductor substrate, the amendments as stated herein overcome all rejections. It is therefore respectfully urged that a prima facie showing of anticipation or obviousness has not been made.

All grounds of rejection having been overcome by the amendments hereinabove, reconsideration and a Notice of Allowance is respectfully requested.

Related prior art made of record is duly noted. This art is not believed to impact the patentability of any claim presented herein.

Favorable action is respectfully requested.

Respectfully submitted,

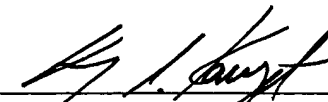


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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing Amendment A was placed in an envelope and mailed via U.S. First Class Mail, postage prepaid to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this the 13th day of September, 2005.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

  
Harvey S. Kauget